REMARKS

The Final Office Action dated January 25, 2011, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1, 3-10, and 50-61 are pending and under consideration in the present application, of which claims 1, 8, 50, 57, 60, and 61 are independent claims. Claims 1, 3-10, and 50-61 are respectfully submitted for consideration in view of the following remarks.

Claims 1, 3-10, and 50-61 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over U.S. Patent No. 6,728,712 of Kelley *et al.* ("Kelley") in view of U.S. Patent No. 6,782,253 of Shteyn *et al.* ("Shteyn"), and further in view of U.S. Patent Publication No. 2002/0156832 of Duri *et al.* ("Duri"). The Office Action took the position that Kelley discloses many features of the claims, but argued that Kelley does not disclose "estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network." The Office Action alleged that Shteyn discloses these features. However, the Office Action acknowledged that the combination of Kelley and Shteyn fails to disclose "each tag corresponds to a service" and "wherein the associated network address corresponds to a service provider of the service." The Office Action alleged that Duri discloses these features. Accordingly, the Office Action

Application No.: 10/562,566

alleged that the claims are obvious in view of the combined teachings of the prior art. Applicants respectfully traverse this rejection.

Claim 1, upon which claims 3-7 depend, is directed to an apparatus including at least one processor and at least one memory including computer program code. The at least one memory and the computer program code are configured to, with the at least one processor, cause the apparatus to store a set of tags and for each tag, store an associated network address. Each tag corresponds to a service and the associated network address corresponds to a service provider of the service. The at least one memory and the computer program code are also configured to, with the at least one processor, cause the apparatus to provide a user interface that enables a user to select one of the tags and cause the apparatus to initiate a connection to the network address associated with the tag. The at least one memory and the computer program code are further configured to, with the at least one processor, cause the apparatus to estimate the location of the apparatus. The at least one memory and the computer program code are additionally configured to, with the at least one processor, cause the apparatus to communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location. The at least one memory and the computer program code are also configured to, with the at least one processor, cause the apparatus to automatically alter the network address associated with the tag in response to the communication received from the network.

Application No.: 10/562,566

Claim 8, upon which claims 9 and 10 depend, is directed to an apparatus including at least one processor and at least one memory including computer program code. The at least one memory and the computer program code are configured to, with the at least one processor, cause the apparatus to store a set of tags and for each tag, store an associated network address. Each tag corresponds to a service and the associated network address corresponds to a service provider of the service. The at least one memory and the computer program code are also configured to, with the at least one processor, cause the apparatus to communicate at least one instruction containing a tag and an associated network address with at least one mobile communication terminal. The at least one mobile communication terminal is configured to communicate with the apparatus to request that the apparatus transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location.

Claim 50, upon which claims 51-56 depend, is directed to a method including storing a set of tags and for each tag, storing an associated network address. Each tag corresponds to a service and the associated network address corresponds to a service provider of the service. The method also includes providing a user interface that enables a user to select one of the tags and cause a mobile communication terminal to initiate a connection to the network address associated with the tag. The method further includes estimating the location of the mobile communication terminal. The method additionally includes communicating with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in

Application No.: 10/562,566

dependence on the estimated location. The method also includes automatically altering the network address associated with the tag in response to the communication received from the network.

Claim 57, upon which claims 58 and 59 depend, is directed to a method including storing a set of tags and for each tag, storing an associated network address. Each tag corresponds to a service and the associated network address corresponds to a service provider of the service. The method also includes communicating at least one instruction containing a tag and an associated network address with at least one mobile communication terminal. The at least one mobile communication terminal is configured to communicate with a network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location.

Claim 60 is directed to a computer program embodied on a non-transitory computer-readable storage medium. The program is configured to control a processor to store a set of tags and for each tag, store an associated network address. Each tag corresponds to a service and the associated network address corresponds to a service provider of the service. The program is also configured to control a processor to provide a user interface that enables a user to select one of the tags and cause a mobile communication terminal to initiate a connection to the network address associated with the tag. The program is further configured to control a processor to estimate the location of the mobile communication terminal. The program is additionally configured to control

Application No.: 10/562,566

a processor to communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location. The program is also configured to control a processor to automatically alter the network address associated with the tag in response to the communication received from the network.

Claim 61 is directed to a computer program embodied on a non-transitory computer-readable storage medium. The program is configured to control a processor to store a set of tags and for each tag, store an associated network address. Each tag corresponds to a service and the associated network address corresponds to a service provider of the service. The program is also configured to control a processor to communicate at least one instruction containing a tag and an associated network address with at least one mobile communication terminal. The at least one mobile communication terminal is configured to communicate with a network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location.

Applicants respectfully submit that the combination of Kelley, Shteyn, and Duri fails to disclose or suggest all of the elements of any of the presently pending claims.

Kelley generally discusses "software for updating desired inter- or intra-net addresses at a client computer" (column 1, lines 9-10). "Database 14 is conventionally referred to as a bookmark database, having addresses of often-used web pages or files 26, 28 having different addresses (URLs) and accessible 24 through network server 18. As

Application No.: 10/562,566

will be explained further, database 16 contains the updated addresses of the files listed on the client bookmark, and the updated addresses are used to make changes to the bookmark database 14" (column 4, lines 8-15, of Kelley).

Claim 1 recites, in part, "estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network." Applicants respectfully submit that the combination of Kelley and Shteyn fails to disclose or suggest at least these features of claim 1.

As noted above, the Office Action acknowledged that "Kelley does not specifically disclose estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network in the format claimed." Thus, instead of relying only on Kelley, the Office Action relied on the following portions of Shteyn: Figures 1-6; Column 1, lines 39-62; Column 2, lines 6-28 and 47-56; Column 3, lines 1-15; and Column 4, lines 17-45. Applicants respectfully submit that Shteyn fails to remedy Kelley's deficiencies by teaching or suggesting the above-recited features of claim 1.

Application No.: 10/562,566

Shteyn generally relates to a mobile micro portal. In Shteyn, a geographic region has a network of beacons. Each beacon transmits a short-range facilitation signal for receipt on a user's mobile communication device. The facilitation signal initiates association of the facilitation signal with a service and conditionally alerts the user to the service via the device, dependent on a user profile. The user-profile and the association between facilitation signal and service are user-programmable in Shteyn.

The Office Action argued that "It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Kelly [sic] such that the apparatus of Kelley would be able to estimate its location, for the purposes of letting the network [be] informed of its location, and consequently allowing the network to alter the network address associated with the tag and thus providing proper services to the user." Applicants respectfully disagree with the Office Action's conclusion of obviousness.

The Office Action has alleged that the "tags" of Kelley are the "bookmarks" of Kelley's system. The bookmarks of Kelley's system identify web sites, not the location of the user. Furthermore, the user's location has no impact on the user's bookmarks in Kelley. Accordingly, it would not be necessary to update the user's location or to alter a network address associated with a bookmark in order to "provide proper services" to a user of Kelley's system.

Shteyn mentions bookmarks at column 10, lines 46-50. However, Shteyn does not suggest or even hint at the idea of altering network addresses associated with the

Application No.: 10/562,566

bookmarks. Instead, in the context of column 10, lines 46-50, the bookmarks are used to identify which services should be announced to a user, since bookmarks may indicate the preferences of a user.

Shteyn also mentions bookmarks in the "background" section of Shteyn, at column 2, lines 16-28:

> The Cooltown Museum and Bookstore offer visitors a Web-enhanced experience. As visitors tour the museum, their portable digital assistant (PDA) can receive Web URLs from wireless "beacons". These beacons are small infrared transceivers located close to pictures or sculptures; the URLs link into a Web of information about the items. Using the PDA's Web browser, visitors can read or hear about the artist or the work and about related art works in the museum. The URLs can also be stored as bookmarks for further study or they can be used to select reproductions of the artwork from the museum's online store. The museum staff uses the same URLs for inventory control as the URLs point to the object's point of Web presence.

This reference to bookmarks, however, in now way hints or suggests at the idea of changing a network address associated with a bookmark. Instead, it merely indicates the possibility of providing the user with URLs that can be stored as bookmarks. No subsequent updating or changing of these URLs is hinted at.

Furthermore, the proposal at column 2, lines 16-28, of Shteyn is directly taught away from by Shteyn at column 2, lines 31-32 and 56-67. Instead, as explained at column 3, lines 1-15, Shteyn's system provides information to users within range of a beacon based on the user's interests.

- 9 -   Application No.: 10/562,566

URLs are mentioned again in Shteyn at column 7, lines 3-5, where it is mentioned that a mobile device can use predefined URL to access a web merchant and perform a search. There is not, however, any suggestion to change this predefined URL.

URLs are mentioned yet again in Shteyn at column 8, lines 6-11, where it is explained that the look-up service can use rules for creating a search URL from a basic "service URL" combined with two fields. However, Shteyn does not suggest altering any stored URL or any bookmark.

The other references to URL in Shteyn are similarly irrelevant to the claimed subject matter (see column 8, lines 51-52; column 9, lines 64-65; column 10, lines 14-27, and claim 7 of Shteyn). These other portions of Shteyn merely refer to the fact that URL information can point a user to local's service directory or can serve as an identifier for an on-line store. Neither Kelley nor Shteyn either hints or suggests that the network address associated with a bookmark should be changed, and certainly Kelley and Shteyn do not teach or suggest that such a change should be made contingent upon performing a location estimate.

Accordingly, the combination of Kelley and Shteyn cannot disclose or suggest, at least, "estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from

Application No.: 10/562,566

the network," as recited in claim 1, or the similar features of independent claims 8, 50, 57, and 60-61, each of which has its own unique scope.

Additionally, each of independent claims 1, 8, 50, 57, and 60-61 recites "wherein each tag corresponds to a service and wherein the associated network address corresponds to a service provider of the service." The Office Action acknowledged that "Kelley does not specifically disclose each tag corresponds to a service[] and wherein the associated network address corresponds to a service provider of the service." Accordingly, the Office Action cited Duri to remedy these deficiencies of Kelley.

Duri generally relates to a method and apparatus for dynamic bookmarks with attributes. In Duri, in response to detecting a service domain with a dynamic bookmark service, a client device sends a request containing criteria identifying a dynamic bookmark to the service domain. The dynamic bookmark contains attributes or criteria that may be used to bind or locate regular bookmarks having similar attributes or criteria. The request is received by a server, which queries a data structure using the criteria for a bookmark, corresponding to or matching the criteria, to generate a result. This result is returned in a response to the client. The client processes any bookmarks received in the response, wherein any bookmarks returned in the request are bookmarks matching the dynamic bookmark.

At paragraphs [0022]-[0025], Duri explains the operation of server 104 and client 114. In this section Duri explains the difference between a "bookmark" and a "dynamic bookmark."

Application No.: 10/562,566

In these examples, a bookmark, also called a regular bookmark, in contrast to a dynamic bookmark, consists of a name (string) and a universal resource locator (URL). As used herein, a dynamic bookmark consists of a set of attributes or criteria that dynamically bind to a set of zero or more regular bookmarks that have been augmented with similar attributes or criteria. The dynamic bookmark is located or stored within client 114. The dynamic binding process is performed by a dynamic bookmark server, which may be implemented using server 104. Server 104 receives a request from client 114 in which the request includes the set of attributes or criteria. Server 104 matches the attributes of the dynamic bookmark with those of the augmented bookmarks contained in a bookmarks and attributes database, which may be located within a storage device at server 104 or a remote storage device, such as storage unit 106.

It should be apparent from this description that a "dynamic bookmark" is not a bookmark at all, but is rather information that can be used to obtain a bookmark. Indeed, unlike a regular bookmark, the dynamic bookmark of Duri does not have a URL.

The features of Kelley, Shteyn, and Duri have been selected in hindsight based on the claims, but they do not make sense as a combination with one another. The Office Action began with Kelley and combined Kelley with Shteyn, and then added Duri. However, even the simpler combination of Kelley and Shteyn is unclear. The characteristics of a system resulting from the combination of Kelley and Shteyn are entirely unclear, because the Office Action has not clearly explained how the references would be combined, or even combinable.

For example, while Kelley relates to a system for updating Internet address changes, Shteyn has nothing to do with such issues. Instead, Shteyn relates to a way for

Application No.: 10/562,566

local provider of goods or services to "push" information to a user, while allowing the user to filter out the information that is unwanted (see Column 4, lines 18-45, of Shteyn). Neither Kelley nor Shteyn provide a teaching or suggestion of an interrelation between the problems addressed by each reference, and there is no obvious way to combine the two systems.

The Office Action stated that the motivation for the combination of Kelley and Shteyn would have been as follows:

> It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Kelly [sic] such that the apparatus of Kelley would be able to estimate its location, for the purposes of letting the network [be] informed of its location, and consequently allowing the network to alter the network address associated with the tag and thus providing proper services to the user.

There is not, however, any reason to suppose that Kelley cannot provide "proper services to the user" without estimating a location and/or altering the network address associated with a tag (even assuming that Shteyn taught the location estimation and network address alteration as claimed, which it does not, as explained above).

Likewise, the Office Action stated that the motivation for the combination of Kelly and Duri would have been as follows:

> It would have been obvious to a person of ordinary skill in the art at the time of invention to modify the invention of Kelley in the format claimed for the purpose of providing an efficient communication system.

Application No.: 10/562,566

There is, however, no reason to suppose that Kelley provides an inefficient system or that adding features from Duri can or would improve the efficiency of Kelley's system. Moreover, it is not even clear what changes the Office Action would suggest making to Kelley's system.

Rather than following the Supreme Court's instructions in *KSR* to provide clearly articulated reasoning with rational underpinnings for the conclusion of obviousness, the present rejection simply represents an attempted reconstruction of the invention in hindsight based not on the knowledge of one or ordinary skill in the art at the time of the invention but on the disclosure of the present application.

There is no clear way that the references *could* be combined, even if one of ordinary skill in the art were (for some unknown reason) to desire to make such a combination. In Kelley, a change in the URL is made when a web site owner updates the URL. In Duri, however, the dynamic bookmark has no URL. Moreover, in Shteyn there is no updating of a URL (nor of a "dynamic bookmark"). Accordingly, one of ordinary skill in the art would not have any reasonable expectation of success of creating a working combination of Kelley, Shteyn, and Duri without undue experimentation.

It is, therefore, respectfully requested that the rejection of claims 1, 8, 50, 57, and 60-61 be withdrawn. Claims 3-7, 9-10, 51-56, and 58-59 depend respectively from, and further limit, claims 1, 8, 50, and 57. Thus, each of claims 3-7, 9-10, 51-56, and 58-59 recites subject matter that is neither disclosed nor suggested in the prior art. Accordingly,

Application No.: 10/562,566

it is respectfully requested that the rejection of claims 3-7, 9-10, 51-56, and 58-59 be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 1, 3-10, and 50-61 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-10, and 50-61 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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